



**U.S. Immigration
and Customs
Enforcement**

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News Release

Final defendant in human smuggling conspiracy gets maximum sentence

FARGO, N.D. — As a result of an investigation conducted by U.S. Immigration and Customs Enforcement (ICE), the final defendant in a human smuggling conspiracy was sentenced here Wednesday to 21 months in prison.

Ya Cao, of McKinney, Texas, received the maximum penalty within U.S. sentencing guidelines. During the sentencing hearing, U.S. District Court Judge Ralph R. Erickson called the criminal enterprise an especially destructive conspiracy, and characterized the criminal activity as modern-day “slave labor” in which the illegal alien workers were treated like animals.

Evidence presented during the September 2005 trial of co-defendant Shan Wei Yu showed that during the five-year conspiracy, Yu, along with Cao and their co-conspirators, transported about 6,000 illegal alien workers to Asian restaurants throughout the Midwest. This included more than 40 separate “orders” and deliveries of workers or groups of workers to restaurants in North Dakota.

The investigation began in August 2004 when border patrol agents with U.S. Customs and Border Protection apprehended two illegal aliens near Grand Forks. The two revealed that they had been working at the Buffet House restaurant on Gateway Dr. in Grand Forks, but left because the owners required them to work long hours seven days a week for very little pay.

As part of the recruitment process, Shan Wei Yu’s company, Great Texas Employment Agency, would present prospective workers with contracts that stated their monthly salary as well as expenses owed, which the worker would have to repay after receiving their first month’s salary. The illegal alien workers were transported across state lines and delivered to restaurant employers. Upon delivery, the employer would advance money to the driver to pay the finder’s fee and transportation costs, with the understanding that the amount would be deducted from the worker’s first paycheck. The incidents occurred between March 2000 and January 2005.

“This case began with a routine arrest of two illegal aliens and resulted in an entire smuggling ring being pulled up by its roots,” said Michael Mach, resident agent in charge of the ICE office in Grand Forks. “I am very proud of our agents and the top-notch investigation they conducted.”

During Shan Wei Yu’s sentencing hearing in December 2005, Judge Erickson granted the United States’ motion to depart upward on sentencing guidelines and sentenced Yu to nine years in prison. Judge Erickson said that Yu was dealing in “human tragedy” and that Yu, Cao and others had “oppressed other human beings in large numbers” for money.

“This sentencing concludes this phase of a sordid criminal enterprise,” said U.S. Attorney Drew Wrigley. “The first phase was arresting and prosecuting the two restaurant owners, who were harboring illegal workers for financial gain. Those prosecutions led to the supplier of those illegal workers, which turned out to be one of the largest on-record human smuggling rings in terms of workers smuggled.”

Six additional co-defendants pleaded guilty to the conspiracy and were sentenced to up to eight months in prison.

This case was investigated by U.S. Immigration and Customs Enforcement, and by the U.S. Border Patrol, a division of U.S. Customs and Border Protection (CBP). Assistant U.S. Attorney Nick Chase prosecuted the case.

ICE

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.